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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,945

Applicant(s)

YUHARA, MASAHIRO

Examiner

NABIL H. SYED

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 104-167 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 104-167 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 6/13/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 139, 140, 142, 143, 154, 167 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As of claim 1, the limitation "said memory media" in line 20 renders the claim indefinite. "Said memory media" should be -- said storing means--.

Claim 139 recites the limitation "said identifying means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 140 recites the limitations "said biometric information" and "said reading means" in line 8. There is insufficient antecedent basis for these limitations in the claim.

Claims 142 and 143 recite the limitation "said memory media" in line 2. There is insufficient antecedent basis for this limitation in the claims.

Claim 154 recites the limitation "said mobile apparatus" in line 14. There is insufficient antecedent basis for this limitation in the claim, "said mobile apparatus" should be --said mobile phone--.

Claim 167 recites the limitation "said biometric information registering means" in line 8. There is insufficient antecedent basis for this limitation in the claims

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 122-127 are rejected under 35 U.S.C. 102(b) as being anticipated by Berstis (6,198,996).

As of claim 122, Berstis discloses an in-vehicle apparatus controlling system (see abstract), comprising:

an in-vehicle controlling apparatus for controlling an in-vehicle apparatus (via an on board computer 20 controlling different equipments in a vehicle; see figs. 2-9); and a mobile apparatus which is being carried by a person demanding permission to utilize said in-vehicle apparatus (via a smart card 1015; see fig. 10; also see col. 14, lines 46-

50), wherein

mobile apparatus includes: storing means for storing user identification information indicative of person demanding permission to utilize in-vehicle apparatus and personal information according to in-vehicle apparatus (via smart card 1015 storing users identification which is used by the onboard computer to access information concerning the user; see col. 14, lines 53-56) and ; and communication means for perform communication with in-vehicle controlling apparatus (Berstis discloses that smart card 1015 is read by the smart card reader 1010 hence comprising communication means for perform communication with onboard computer 20),

said in-vehicle controlling apparatus includes: communication means for perform communication with said mobile apparatus (via user interface 28; see fig. 10); storing means for storing user identification information indicative of a registered user having permission to utilize automotive vehicle (via memory 22 storing user identification information; see col. 14, lines 53-55); identifying means for judging whether or not person is identical to said registered user having permission to utilize automotive vehicle by establishing the verification of user identification information received by said communication means with respect to user identification information stored by storing means (Berstis discloses that onboard computer 20 recognizes the input from smart card reader 1010 and access memory 22 for information concerning the user; see col. 14, lines 53-55); and controlling means for controlling in-vehicle apparatus on the basis of the judgment made by identifying means and personal information received form

mobile apparatus (via onboard computer 20 controlling different systems within the vehicle based on the user's identification; see col. 4, lines 18-33).

As of claim 123, Berstis discloses that personal information includes information needed for person to utilize a telephone provided as in-vehicle apparatus in automotive vehicle, and said controlling means of said in-vehicle controlling apparatus is adapted to control said telephone on the basis of the judgment made by said identifying means and said personal information stored by said storing means (Note: Berstis discloses that varying levels of security allow users having different access priorities to access only the system authorized by the level of security that corresponds to the user's security level. In fig. 5, Berstis discloses that cellular/PCS 520 as being one of the system controlled by onboard computer 20, hence Berstis discloses that a phone (cellular) could also be controlled by the onboard computer based on the user's identification information.

As of claim 124, Berstis discloses that the onboard computer 20 can control an audio system 700, which produces sound in the vehicle (see fig. 7; also see col. 10, lines 5-36).

As of claim 125, Berstis discloses that smart card contain the information to identify the user to the computer system 20 to drive the vehicle (see col. 15, lines 14-30).

As of claim 126, Berstis discloses that smart card can contain multiple information of the physical condition of the user (see col. 15, lines 17-20). Berstis further

discloses that on board computer system 20 controls a safety system 800, which can place an emergency call in case of the vehicle's accident (see cool. 9, lines 23-30).

As of claim 127, Berstis discloses that a specific user's smart card can have a predetermined amount of cash value, which a user can use to purchase goods and services (see col. 21, lines 14-23), Berstis further discloses that on board computer can control a personal area network port 530 which a user can use to pay toll at a toll both (see fig. 5, also see col. 7, lines 15-25).

5. Claims 128, 131, 133, 160, 163 and 165 are rejected under 35 U.S.C. 102(b) as being anticipated by Anzai et al. (6,271,745).

As of claims 128, 131, 160 and 163, Anzai discloses an in-vehicle controlling apparatus (via a vehicle user identification and authorization apparatus; see fig. 1), comprising:
memory media having user identification information stored therein, user identification information being indicative of a registered user having permission to utilize automotive vehicle (via memory unit 31 storing the registered users fingerprint information; see fig. 1; also see col. 4, lines 34-35);
registering and canceling means for registering user identification information indicative of a new user in said memory media to allow new user to have permission to utilize automotive vehicle, or canceling user identification information indicative of previously registered user to prevent said previously registered user from having permission to utilize said automotive vehicle (via system in the fig.1 having a menu mode, which allows the user to enroll or delete users; see fig. 4; also see col. 7, lines 26-35);

user identification information obtaining means for obtaining user identification information indicative of a person demanding permission to utilize said in-vehicle apparatus (via having multiple sensors (door sensor 11, passenger sensor 13, trunk sensors 15); see fig. 1);

identifying means for judging whether or not person is identical to registered user having permission to utilize said automotive vehicle by establishing the verification of user identification information obtained by user identification information obtaining means with respect to user identification information stored in said memory media (via fingerprint ID and match processor 29 matching the fingerprint received from the sensors, to the fingerprints stored in the memory 31; see col. 4, lines 29-34);

controlling means for controlling in-vehicle apparatus on the basis of the judgment made by identifying means (via a CPU 33; see col. 6, lines 25-35); and

informing means for informing about user identification information registered or cancelled by registering and canceling means (via the system confirming the enrolling or deleting of a user via the display in the system; see fig. 9; also see col. 8, lines 12-14).

As of claims 133 and 165, Anzai discloses that when the vehicle is turned over to a valet, the owner or driver selects the valet mode and the valet is given a device, such as a card (memory media) with a pattern representing a fingerprint, allowing the valet to access the vehicle (see col. 8, lines 20-30).

From this description it can be seen that vehicle has to have a reading means to read the card to allow the valet to enter the vehicle.

6. Claim 139 is rejected under 35 U.S.C. 102(b) as being anticipated by Junichi Yamagishi (US Pub 2002/0130769).

As of claim 139, Yamagishi discloses an in-vehicle controlling apparatus, comprising:
receiving means for receiving the judgment made by identifying means from a mobile apparatus (via vehicle 1 comprising a mobile communication terminal 5 and a Bluetooth terminal 9 to receive the information from a mobile phone 35; see fig. 2; also see paragraph [0048]); and
controlling means for controlling an in-vehicle apparatus on the basis of the judgment made by identifying means (via controller 7 controlling the door lock, engine controller and other devices in vehicle 1; see paragraph [0050]).

7. Claims 140, 141, 144, 145 and 167 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikura et al. (6,940,391).

As of claims 140, 141 and 167, Ishikura discloses an in-vehicle apparatus controlling method of controlling locks through steps of transmitting biometric information obtained by biometric information obtaining means provided in a mobile apparatus through communication means provided in said mobile apparatus (via a mobile transmitter 1 transmitting provided with a fingerprint sensor 11 for capturing fingerprint information from a user's fingerprint and a transmit unit 14 to transmit the information to an in-vehicle apparatus 21; see fig. 1; also see col. 3, lines 13-21), judging whether or not a person demanding permission to utilize the automotive vehicle is identical to a registered user having permission to utilize an automotive vehicle by

establishing the verification of biometric information received from mobile apparatus with respect to biometric information previously registered by said biometric information registering means and indicative of a registered user having permission to utilize an automotive vehicle, or establishing the verification of biometric information obtained by biometric information obtaining means with respect to said biometric information previously registered by said biometric information registering means and indicative of said user having said permission to utilize said automotive vehicle (via receiver unit 21 receiving the transmission data from the mobile transmitter 1, for verifying the identity of the user based on the transmission data and for controlling a door lock/unlock control unit 23; see col. 3, lines 23-34).

As of claim 144, Ishikura disclose that in-vehicle apparatus is constituted by a door lock controlling apparatus provided in said automotive vehicle, and controlling means of in-vehicle controlling apparatus is adapted to control door lock controlling apparatus on the basis of the judgment made by identifying means (via vehicle receiver 21 controlling a door lock/unlock control unit 23; see fig. 1; also see col. 3, lines 25-30).

As of claim 145, Ishikura disclose that in-vehicle apparatus is constituted by an engine starting apparatus provided in said automotive vehicle, and controlling means of in-vehicle controlling apparatus is adapted to control engine starting apparatus on the basis of the judgment made by identifying means (via vehicle receiver 21 controlling an engine start/stop control unit 22; see fig. 1; also see col. 3, lines 25-30).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,828,899) in view of Anzai et al. (6,271,745).

As of claims 1 and 135, Kim discloses an in-vehicle apparatus controlling system (via a fingerprint identification system and method for a motor vehicle; see abstract), comprising:

an in-vehicle controlling apparatus (via an ignition control unit 100; see fig. 1) for controlling an in-vehicle apparatus (via key and steering wheel lock/release unit and immobilizer 320; see fig. 1), in- vehicle controlling apparatus being provided in an automotive vehicle (via providing the ignition control unit in a vehicle); wherein in-vehicle controlling apparatus includes: biometric information obtaining means for obtaining biometric information indicative of person demanding permission to utilize in-vehicle apparatus (via a finger print identification sensor 113 to scan and read a drivers fingerprint; see col. 3, lines 16-18; also see fig. 1); storing means for storing user

identification information which is partially constituted by biometric information indicative of a registered user having permission to utilize automotive vehicle (via a memory 122 storing a finger print data; see col. 3, lines 42-45; also see fig. 1); identifying means for judging whether or not person is identical to registered user having permission to utilize automotive vehicle by establishing the verification of biometric information obtained by biometric information obtaining means with respect to biometric information stored by said storing means (via matching board 120 discriminating whether pre-recorded fingerprint data stored in the memory correlates to scanned fingerprint by fingerprint scanner 113; see col. 3, lines 35-39) ; controlling means for controlling in-vehicle apparatus on the basis of the judgment made by said identifying means (via engine control unit 200; see col. 3, lines 46-54);

Even though Kim discloses that when a if the scanned finger prints are not correlated by the system (meaning when the verification of said biometric information obtained by said biometric information obtaining means with respect to said biometric information stored by said storing means is not normally established by said identifying means) the user has the option of entering a password on the password input unit 118 in order to start the vehicle (see col. 4, lines 52-65), it fails to explicitly disclose a memory media having user identification information stored therein; said user identification information being partially constituted by biometric information indicative of a person demanding permission to utilize said in-vehicle apparatus, and reading means for receiving user identification information from said memory media, identifying means being adapted to judge whether or not person is identical to

registered user having permission to utilize automotive vehicle by establishing the verification of biometric information received by reading means with respect to said biometric information stored in said memory media.

Anzai discloses keyless user identification and authorization system for a motor vehicle wherein a user is given access to the vehicle upon successful authentication of the biometric information of the user (see abstract; also see fig. 5). Anzai further discloses that when the vehicle is turned over to a valet, the owner or driver selects the valet mode and the valet is given a device, such as a card (memory media) with a pattern representing a fingerprint, allowing the valet to access the vehicle (see col. 8, lines 20-30).

From this description it can be seen that vehicle has to have a reading means to read the card to allow the valet to enter the vehicle.

From the teaching of Anzai it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kim to include a smart card with the biometric information to access the vehicle as taught by Anzai in order to give user different option to access the vehicle if the input biometric information is not consistent with the registered information (see Kim, col. 2, lines 25-27).

10. Claims 104, 129, 136 and 161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,828,899) in view of Anzai et al. (6,271,745) and further in view of Tumey et al. (US Pub 2002/0097145).

As of claim 104, 129, 136 and 161, the combination of Kim and Anzai discloses all the limitation of the claimed invention but fails to explicitly disclose that biometric

information obtaining means is a camera unit for taking an image indicative of the face of person demanding permission to utilize in-vehicle apparatus.

Tumey discloses a method and apparatus for facilitating authorized access to a vehicle, comprising a computer 102, video camera 103 and a digitizer 104. Tumey discloses that upon triggering of a verification event, human facial images 301 captured by the camera are digitized for processing by a facial recognition engine 106 within computer 102 (see paragraph [0022]; also see fig. 1).

From the teaching of Tumey it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kim and Anzai to use a camera unit to capture a image of the face of the user and use it as biometric information as taught by Tumey since it is known that fingerprint, facial image or voice recognition well suitable for biometric authentication of a user to access a vehicle.

11. Claims 105, 106, 134, 137, 138, 166 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,828,899) in view of Anzai et al. (6,271,745) and further in view of Burger (6,219,439).

As of claims 105, 106, 134, 137, 138 and 166, the combination of Kim and Anzai discloses all the limitations of the claimed invention but fails to explicitly disclose that memory media is constituted by an electronic license card.

Bruger discloses that a smart card could be a contact or contact less card (see col. 4, lines 63-66) and the smart card 14 could operate as a driver's incense (see col. 5, lines 45-47).

From the teaching of Burger it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kim and Anzai to use the IC card as a electronic license card as taught by Burger in order to increase the functionality of the IC card so a law enforcement agent can biometrically authenticate the person holding the card (see col. 5, lines 45-49).

12. Claims 107-113, 142 and 143 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (US Pub 2002/0130769) in view of Burger (6,219,439).

As of claim 107, Yamagishi discloses an in-vehicle apparatus controlling system (via a vehicle management system; see fig. 1), comprising:

an in-vehicle controlling apparatus for controlling an in-vehicle apparatus (via a controller 7 for controlling an engine controller 15, a door lock driving section 17, a steering wheel section 19 and alarm device 21; see fig. 2; also see paragraph [0039]); memory media having stored therein user identification information indicative of a person demanding permission to utilize in vehicle apparatus (Yamagishi discloses that an IC card comprising a memory storing human body authentication like fingerprint, iris etc; see paragraph [0004]).

a mobile apparatus for performing communication with said in-vehicle controlling apparatus (via a mobile communication terminal 35; see fig. 2; also see paragraph [0044]), wherein

mobile apparatus includes: reading means for receiving said user identification information (via finger print sensor for capturing fingerprint information from a user's fingerprint see paragraph [0047]);

storing means for storing user identification information indicative of a registered user having permission to utilize said automotive vehicle; identifying means for judging whether or not said person is identical to registered user having permission to utilize said automotive vehicle by establishing the verification of said biometric information received by reading means with respect to said biometric information stored by said storing means (Yamagishi discloses that fingerprint information inputted through the input section 41 is collated with operator's own fingerprint information which is registered in the mobile terminal 35, hence mobile terminal 35 comprising a storing means; see paragraph [0046]);

and transmitting means for transmitting the judgment made by said identifying means to said in-vehicle controlling apparatus (via mobile terminal 35 having a Bluetooth capability to transmit signal directly to the vehicle or having a network communication capability through which signals can be transmitted to the vehicle via network 33; see paragraph [0044] and [0045]; also see fig. 2), and

in-vehicle controlling apparatus includes: receiving means for receiving judgment made by identifying means from said mobile apparatus (via vehicle 1 comprising a Bluetooth terminal 9 and a mobile communication terminal 5; see fig. 2); and controlling means for controlling said in-vehicle apparatus on the basis of the judgment made by said identifying means (via controller 7 for controlling an engine controller 15, a door lock driving section 17, a steering wheel section 19 and alarm device 21; see fig. 2; also see paragraph [0049]).

Even though Yamagishi discloses that user's biometric information is taken and

compared in the mobile transmitter, it fails to explicitly disclose that mobile apparatus reads user's identification from memory media.

Burger disclose a biometric authentication system in which a smart card 14 stores user's identification information (see col. 5, lines 28-40) and a mobile apparatus (via reader 12) which reads the information from the smart card 14 (see col. 5, lines 6-10; also see col. 5, lines 42-50).

From the teaching of Burger it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Yamagishi to include a mobile apparatus which reads user information from a memory media as taught by Burger in order to give user multiple option to gain access to the vehicle.

As of claim 108, Note it discloses all the limitation of the claim 107, except that in claim 108, receiving means, storing means, and identifying means are included in the in-vehicle apparatus. Yamagishi discloses that fingerprint information may be registered in the vehicle controlling means 3, in which fingerprint information is received from the mobile terminal 35 and compared in the vehicle controlling means 3 (see paragraph [0062]-[0066]; also see fig. 4), hence Yamagishi discloses the invention claimed in claim 108.

As of claim 109, Yamagishi disclose that user identification information stored in IC card and in the vehicle is biometric information (see paragraph [0004]).

As of claims 110 and 142, Yamagishi discloses that IC card on which a memory chip or the like is mounted is employed as a driving license, while a terminal to which

the driving license having the IC card is inserted is provided in a vehicle (see paragraph [0004]).

As of claims 111 and 143, Bruger discloses that smart card could be a contact or contact less card (see col. 4, liens 63-66) and the smart card 14 could operate as a driver's incense (see col. 5, lines 45-47).

As of claim 112, Yamagishi discloses that in-vehicle apparatus is constituted by a door lock controlling apparatus provided in said automotive vehicle, controlling means of said in-vehicle controlling apparatus is adapted to control said door lock controlling apparatus on the basis of the judgment made by said identifying means (via controller 7 controlling a door lock driving section 17; see fig. 2; also see paragraph [0039]).

As of claim 113, Yamagishi discloses that in-vehicle apparatus is constituted by an engine starting apparatus provided in said automotive vehicle, controlling means of said in-vehicle controlling apparatus is adapted to control said engine starting apparatus on the basis of the judgment made by said identifying means (via controller 7 controlling a an engine controller 15; see fig. 2; also see paragraph [0039]).

13. Claims 114-118, 146-150 and 155-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (US Pub 2002/0130769) in view of Burger (6,219,439) and further in view of Berstis (6,198,996).

As of claims 114, 115, 117, 118, 146, 147, 149, 150, 155, 156, 158 and 159 they claim the same limitations as claimed in claims 123, 124, 26 and 127, and they are rejected on the same basis as claims 123, 124, 126 and 127 above.

Claim 157 discloses the same limitation as of claim 125, so claim 157 is rejected as claim 125 above.

As of claims 116 and 148, Berstis discloses that in-vehicle apparatus is constituted by an automotive instrument panel (via engine RPM, 910, fuel miser 940, vehicle speed 920; see fig. 9).

From the teaching of Berstis it would have been obvious to one having ordinary skill in the art at the time of the invention to change the combination of Yamagishi and Burger to use the vehicle controller to control multiple vehicle equipments as taught by Berstis so multiple equipments in a vehicle can be adjusted based on the user's identification to a vehicle controller.

14. Claims 119, 120, 151 and 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,828,899) in view of Ishikura et al. (6,940,391).

As of claims 119 and 151, Kim discloses an in-vehicle controlling apparatus, comprising:
storing means for storing user identification information partially constituted by biometric information indicative of a registered user having permission to utilize an automotive vehicle (via a memory 122 storing a finger print data; see col. 3, lines 42-45; also see fig. 1);
biometric information obtaining means for obtaining biometric information indicative of said person demanding permission to utilize said in-vehicle apparatus (via a finger print identification sensor 113 to scan and read a drivers fingerprint; see col. 3, lines 16-18; also see fig. 1);

identifying means for judging whether or not said person is identical to said registered user having permission to utilize said automotive vehicle by establishing the verification of biometric information obtained by biometric information obtaining means with respect to biometric information forming part of said user identification information stored by storing means (via matching board 120 discriminating whether pre-recorded fingerprint data stored in the memory correlates to scanned fingerprint by fingerprint scanner 113; see col. 3, lines 35-39); and

controlling means for controlling said in-vehicle apparatus on the basis of the judgment made by said identifying means (via engine control unit 200; see col. 3, lines 46-54),

Even though Kim discloses that when a if the scanned finger prints are not correlated by the system (meaning when the verification of said biometric information obtained by said biometric information obtaining means with respect to said biometric information stored by said storing means is not normally established by said identifying means) the user has the option of entering a password on the password input unit 118 in order to start the vehicle (see col. 4, lines 52-65), it fails to explicitly disclose a receiving means for receiving biometric information from a mobile apparatus which is being carried by a person demanding permission to utilize an in-vehicle apparatus, biometric information being indicative of person demanding permission to utilize in-vehicle apparatus; wherein said identifying means is adapted to judge whether or not said person is identical to said registered user having permission to utilize said automotive vehicle by establishing the verification of said biometric information received

by said receiving means with respect to said biometric information forming part of said user identification information stored by said storing means.

Ishikura discloses an in-vehicle apparatus (via receiver 2), which receives biometric information from a mobile apparatus (via mobile transmitter 1). Ishikura further discloses that receiver unit includes a verification unit which verifies the received information received from the mobile transmitter 1 to the previously stored information in order to determine if the user is allowed to control the vehicle (see col. 3, lines 10-34; also see fig. 1).

From the teaching of Ishikura it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kim to include a receiving means to receive the biometric information from a mobile transmitter to access the vehicle as taught by Ishikura in order to give user different option to access the vehicle if the input biometric information is not consistent with the registered information (see Kim, col. 2, lines 25-27).

As of claims 120 and 152, both Ishikura and Kim discloses that ignition control unit 100 (Kim) and mobile transmitter 1 (Ishikura) users fingerprint sensors to obtain biometric information from user.

15. Claims 121 and 153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,828,899) in view of Ishikura et al. (6,940,391) in view of Yamagishi (US Pub 2002/0130769).

As of claims 121 and 153, the combination of Kim and Ishikura discloses all the limitation of the claimed invention but fails to explicitly disclose that mobile apparatus is a cellular phone.

Yamagishi discloses a vehicle management system in which a user's information is received from a mobile phone (see fig. 2; also see paragraph [0044]).

From the teaching of the Yamagishi it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Berstis to include a mobile phone to transmit user's information as taught by Yamagishi so a user has the ability to lock/unlock the vehicle from a remote location and in close proximity of the vehicle.

16. Claims 130, 132, 162 and 164 are rejected under 35 U.S.C. 103(a) as being unpatentable Anzai et al. (6,271,745) in view of Berstis (6,198,996).

As of claim 130, 132, 162 and 164 Anzai discloses all the limitations of the claimed invention as mentioned in claim 128 above, but fails to explicitly disclose that user identification information includes voice pattern recognition and iris pattern information.

Berstis discloses that different biometric authentication methods (finger, voice, eye, handwriting, pin) can be used to authenticate a person to the vehicle (see fig. 10; also see col. 15, lines 15-67).

From the teaching of Berstis it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Anzai to use different biometric authentication methods as taught by Berstis since it is known that

fingerprint, facial image or voice recognition well suitable for biometric authentication of a user to access a vehicle.

17. Claim 154 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (6,198,996) in view of Yamagishi (US Pub 2002/0130769).

As of claim 154, Berrstis discloses all the limitations of the claimed invention as mentioned in claim 122 above, but fails to explicitly disclose that the user's information is received from a mobile phone.

Yamagishi discloses a vehicle management system in which a user's information is received from a mobile phone (see fig. 2; also see paragraph [0044]).

From the teaching of the Yamagishi it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Berstis to include a mobile phone to transmit user's information as taught by Yamagishi so a user has the ability to lock/unlock the vehicle from a remote location and in close proximity of the vehicle.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NABIL H. SYED whose telephone number is (571)270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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N.S

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